

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Charles E. Horne,

Plaintiff,

v.

Case No. 05-71901

COMMISSIONER OF SOCIAL
SECURITY,

District Judge Arthur J. Tarnow

Magistrate Judge Mona K. Majzoub

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT & RECOMMENDATION [16],
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [10], DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [11], AND REMANDING
CASE TO THE COMMISSIONER FOR FURTHER PROCEEDINGS**

Before the Court is Plaintiff's Motion for Summary Judgment [10] and Defendant's Motion for Summary Judgment [11]. On August 23, 2006, Magistrate Judge Majzoub issued a Report and Recommendation [16] recommending that the Defendant's motion be denied, and the matter remanded to the Commissioner for further proceedings.

Having reviewed the file, the respective Motions for Summary Judgment, the Report and Recommendation, and Objections to the R&R, and the Plaintiff's Reply thereto, the Court hereby ADOPTS the Report and Recommendation [16] as the findings and conclusions of the Court.

Accordingly, Defendant's Motion for Summary Judgment [11] is DENIED. As the order to remand indicates, further proceedings are necessary, therefore the Plaintiff's Motion for Summary Judgment [10] is DENIED.

This case is hereby REMANDED to the Commissioner for further proceedings, consistent with the recommendations set out in the R&R.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: November 7, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 7, 2006, by electronic and/or ordinary mail.

s/Theresa E. Taylor
Case Manager